IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 109 OF 2005

Shri Dattatray Bapu Khatape & Ors. ...Petitioners
V/s.
The State of Maharashtra & Ors. ...Respondents

Shri P.B. Kakade for Petitioners.
Shri D.. Adsule, AGP for Respondent No.1.
Shri Vijay Killedar for Nitin Jamdar for Respondents No.2 and 3.

CORAM : A.M. KHANWILKAR, J.

DATED : JULY 25, 2006

P.C. :-

. Having regard to the finding recorded in paragraph 11 of the decision of the Appellate Court that the respondent-plaintiff was in possession of suit property, the grievance made before this Court in the present petition that the respondent-plaintiff has committed wilful disobedience of the order of stay granted by this Court in terms of the order dated 29th June, 2004 does not commend to me. In other words, it is not possible to accept the grievance of the petitioners that the respondents have forcibly entered possession in the suit property after the order of stay was granted by this Court. Thus understood, the matter can not proceed further and hence dismissed. Notice issued to respondents discharged.

(A.M. KHANWILKAR, J.)